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United States Patent and Trademark Office
Commissioner of Patents and Trademarks
Washington D.C. 20231
United States

Oeiras, 17th April 2003

Subject: Office communication concerning Application/Control Number: 09/926,681
Art Unit: 1651

Dear Dr. Lynda T. Guo,

Please find enclosed two copies of the Patent Application (Control Number 09/926,681) emended in accordance to your comments stated in the Office communication (Art Unit 1651). One of the copies contains all changes marked in the original text, and the other contains only the final text, with all changes included.

The changes were done in order to comply with the following comments:
- Specification (all items of 1.)
- Claim rejections (all items of 2., 3., 4.)
- Allowable Subject matter (6., 7., and 8.)

The comment number 5 concerning some previous publications related to this subject, only emphasise the content of the present Application and, therefore, this information was not included in the emended text. As it is stated in the Application, the production of 4-ethylphenol from *p*-coumaric acid is characteristic of *Dekkera* and *Brettanomyces* species, but up until now this characteristic was not reproduced in culture medium. Also, cyclohexamide is a known inhibitor to several yeast species, as it is described in all literature concerning yeast taxonomy and identification. The medium of Chatonnet *et al.* (1992) is also known, but its selectivity is low because it is only based on cyclohexamide, and there are many other species besides *Dekkera* and *Brettanomyces* that are capable of growing in the presence of this compound. As it is referred in the comment and in the Application, the use of ethanol as the only energy source is novel, and it is crucial for the selectivity of the medium, inhibiting most of all yeast species that might grow in the presence of cyclohexamide. Besides, the medium of Chatonnet *et al.* (1992) only provides a single differential feature to differentiate the *Dekkera* and *Brettanomyces*

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strains from all other yeasts: bromocresol green. However, the acidification detected by this pH indicator is not specific of these yeasts.

Therefore, the present Application describes a novel combination of selective and differential factors that guarantees the detection of *Dekkera* and *Brettanomyces* species. This medium combines an efficient selectivity (given by ethanol as the only energy source, and cyclohexamide), with an unique diagnostic system that clearly identify these yeasts, based on their ability to acidify the medium (detected by bromocresol green) and to produce 4-ethylphenol. The latter is a novel diagnostic system based on a known activity.

Regarding the formalities to reply to this Office Communication, we have some questions. Until now, a United Patent Attorney represented us. But, as this process was getting very expensive to us, we decided to represent ourselves. We (STAB VIDA – Investigação e Serviços em Ciências Biológicas, Lda) are assignees, together with Instituto Superior de Agronomia, of this patent. We are not a patent office or a patent attorney. We would like to know if we are allowed to proceed with this process directly from Portugal, without any representative. As we are two different assignees, is it necessary that all documentation be signed for both assignees? Regarding the payment, I don't know if we have to pay anything now for this action. If so, I would appreciate if you could inform me about the value and how to pay.

Finally, I would kindly ask that all documentation concerning this patent application be sent to the following address:

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Thank you in advance for your attention, I remain,

Yours sincerely

Daniela Leão
General Manager Of Unit SPYI
STAB VIDA